



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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TO THE WATER USERS IN THE BERYL / ENTERPRISE AREA

At the annual meeting this past February, there was no recommendation made concerning the appointment of a water commissioner for the Beryl / Enterprise Distribution System nor was a budget set to pay the commissioner or cover the expenses of operating the system. The distribution system committee was authorized by the water users in attendance at the meeting to take these items under advisement and subsequently make recommendations to the State Engineer. Phone conversations with Chairman Messerly indicate that the committee has had a difficult time in meeting to discuss these issues.

The Division of Water Rights is ready to begin implementing the regulation of irrigated acreage in the Beryl / Enterprise area. However, a water commissioner is needed to work with us in this endeavor. On May 30th, I sent a letter to Chairman Messerly informing him that a recommendation was needed soon or the state would be forced to appoint a commissioner without a recommendation from the water users.

Section 73-5-1 of the Utah Code states in part:

“If a majority of the water users agree upon a qualified person to be appointed as water commissioner, . . . and the compensation the person shall receive, and they make recommendations to the state engineer . . . the state engineer shall act in accordance with their recommendations.”

“If a majority of water users do not agree on the appointment . . . or compensation, the state engineer shall make a determination for them.”

We have not heard from Chairman Messerly and have not been able to contact him by telephone. Therefore, we assume the committee cannot agree upon a recommendation for commissioner or a budget for the coming year and we feel obligated to proceed to make these determinations. We would much prefer that these recommendations come from the committee. However, we feel that we can wait no longer to appoint a commissioner.

Attached is a summary description of the commissioners duties. This description was handed out at the annual meeting last year as part of the “Proposal to Regulate Water Use by Controlling Irrigated Land”.

By way of this letter, we are requesting the water users submit to us any nominations they may have

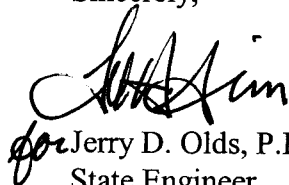
for the position of water commissioner. Nominations will be accepted through July 10, 2002. These nominations may be made to Lee Sim, Assistant State Engineer, by mail, e-mail or telephone. His contact information is:

Mail: P.O. Box 146300
Salt Lake City, Utah 84114-6300
E-mail: LEESIM@UTAH.GOV
Phone: (801)538-7380

In addition, we will place an ad in the local paper requesting applicants for the position. Depending upon the nominations or applications that we receive, we may hold interviews with the candidates for the position. The distribution committee will be invited to participate in these interviews and in the selection process. The committee will also be invited to participate in setting a budget for the distribution system this year.

If you have any questions concerning the selection and appointment of the water commissioner, please contact Lee Sim at the phone number listed above.

Sincerely,


for Jerry D. Olds, P.E.
State Engineer

cc: Lee Sim, Assistant State Engineer
Kerry Carpenter, Regional Engineer